

**INTERPRETATIONS & APPLICATIONS  
OF BUILDING CODES & REGULATIONS #92-1**



CODE SECTION : UBC 3205

05/14/96

**SUBJECT : PERMANENT OCCUPANCY OF PUBLIC PROPERTY**

General

Scottsdale has a unique and long history of covered sidewalks in the downtown area as a part of its western heritage. These covered sidewalk structures have been constructed to be supported on one side by the adjoining building and on the open side by columns on the public sidewalk,

Building code regulations for the roofed structures over public property became a part of Scottsdale code requirements during the early seventies. The purpose of this policy is to clarify our current building code requirements for covered sidewalk structures.

Scope of Building Code

Chapter 32 of the Uniform Building Code regulates "permanent occupancy of public property". This applies to projections from buildings, excluding signs, which project beyond the property line of the building face and into the public right-of-way. The intent of the code is to prevent projections from interfering with the free use of the public right-of-way including public utilities and services.

Marquees and Covered Sidewalks

The building code defines a marquee as a permanent roofed structure attached to and supported by the building and projecting over public property. The intent is to prevent interference with the free movement of pedestrians, tall vehicles on public streets, and access for utility lines and firefighting operations.

Marquees aside, the building code does not address private roofed structures that are partially supported by columns on a public sidewalk.

As a measure to clarify Scottsdale code requirements, covered sidewalks shall comply with the requirements of Section 3205 of the Uniform Building Code as required for marquees with the following exceptions:

- 1) Projection and clearance. The horizontal clearance between the furthest projecting element of the covered sidewalk structure and the curb line shall be not less than 6 inches where diagonal and perpendicular parking occurs. Where parallel parking occurs along the curb, the horizontal clearance shall be not less than 2 feet.
- 2) Length. The length of the covered sidewalk shall not be limited along the direction of the street except at required utility and fire department access locations and adjoining property lines.
- 3) Construction. The covered sidewalk structure may be partially supported by columns on public sidewalks. The structural capacity of the sidewalk shall be adequate to carry both the live and dead loads of the structure. The covered sidewalk structure shall be constructed of noncombustible material or, when the building is of Type V construction, may be of one-hour fire-resistive or heavy-timber construction conforming to Section 605.6 of the Uniform Building Code.

Every roof of the covered sidewalk shall be sloped to downspouts or sloped to drain directly from the roof towards the curb line.

#### Other City Requirements

All construction over public property must first be approved by the Development Review Board.

An encroachment permit and indemnity agreement will be required at the time of building permit issuance.